

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VIRGINIA HERRMANN,)
individually and on behalf of all)
others similarly situated,)
)
Plaintiff,) Case No. 4:20-cv-00706
)
v.) JURY TRIAL DEMANDED
)
SAM'S EAST, INC. d/b/a SAM'S)
CLUB #6474,)
)
Defendant.)

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANT'S MOTION TO
COMPEL ARBITRATION OR, IN THE ALTERNATIVE, TO DISMISS**

Plaintiff Virginia Herrmann, by and through her undersigned attorneys, respectfully requests leave to file a two-page supplemental brief in opposition to Defendant's Motion to Compel Arbitration or, in the Alternative, to Dismiss ("Motion"). The proposed supplemental brief is attached as Exhibit A. In support of her request, Herrmann states as follows:

1. Briefing on Defendant's Motion closed on July 24, 2020. Five days later, Herrmann's counsel received in the mail from Herrmann a document created by Defendant and of potential relevance to the pending Motion. Herrmann's counsel forwarded the document to Defendant's counsel the same morning it was received.

2. Under the circumstances, Defendant sought leave to file a short, supplemental brief addressing the document. Herrmann's counsel consented to that request, and now seeks leave to do the same. The proposed supplemental brief is attached as Exhibit A hereto.

3. Counsel for Defendant does not oppose Herrmann's motion. Granting Herrmann's motion will not result in undue delay in the proceedings nor unfairly prejudice any party.

WHEREFORE, plaintiff Virginia Herrmann respectfully requests that the Court grant her leave to file a two-page supplemental memorandum in opposition to Defendant's Motion to Compel Arbitration or, in the Alternative, to Dismiss and for such other and further relief as the Court deems necessary and just under the circumstances.

Dated: August 10, 2020

Respectfully submitted,

ONDERLAW LLC

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10th day of August, 2020 the foregoing was filed electronically via the ECF / CM system with the Clerk of the Court for purposes of serving a Notice of Electronic Filing upon all counsel of record via electronic mail.

/s/ W. Wylie Blair